

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Browne	Team: Team # 6	CCRB Case #: 201208630	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/04/2012 10:35 PM	Location of Incident: Lexington Avenue between Marcy Avenue and Nostrand Avenue	Precinct: 79	18 Mo. SOL 1/4/2014	EO SOL 1/4/2014	
Date/Time CV Reported Thu, 07/05/2012 10:59 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 07/05/2012 10:59 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DI Michael Lipetri	00000	906647	079 PCT
2. Officers			079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Lukasz Organistka	19797	944861	079 PCT
2. LT Michael Doyle	00000	917072	079 PCT
3. SGT Jorge Torres	04901	924564	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b)	
B. DI Michael Lipetri	Force: DI Michael Lipetri used pepper spray against § 87(2)(b)	
C. Officers	Force: Officers struck § 87(2)(b) with nightsticks.	
D. DI Michael Lipetri	Force: DI Michael Lipetri used pepper spray against § 87(2)(b)	
E. DI Michael Lipetri	Force: DI Michael Lipetri used pepper spray against § 87(2)(b)	

Case Summary

On July 4, 2012, § 87(2)(b) filed this complaint on behalf of her daughter, § 87(2)(b) with IAB (encl. 4G-H). § 87(2)(b) filed a duplicate complaint on July 5, 2012 via the CCRB's online website on behalf of § 87(2)(b) and § 87(2)(b) (encl. 4A-F). § 87(2)(b) was not a witness to the incident.

At 10:35 p.m. on July 4, 2012, § 87(2)(b) was arrested for § 87(2)(b) by PO Lukasz Organistka, Lt. Michael Doyle, and DI Michael Lipetri, all from the 79th Precinct. The arrest resulted in the following allegations:

- **Allegation A—Force: Officers used physical force against § 87(2)(b)**
- **Allegation B—Force: DI Michael Lipetri used pepper spray against § 87(2)(b)**
§ 87(2)(g)
- **Allegation C—Force: Officers struck § 87(2)(b) with nightsticks.**
§ 87(2)(g)
- **Allegation D—Force: DI Michael Lipetri used pepper spray against § 87(2)(b)**
§ 87(2)(g)
- **Allegation E – Force : DI Michael Lipetri used pepper spray against § 87(2)(b)**
§ 87(2)(g)

The case was originally assigned to Inv. Peter Hoy, but reassigned to Inv. Cassandra Watson on October 17, 2012 upon Inv. Hoy's promotion. It was then reassigned to the undersigned on November 7, 2013 upon Inv. Watson's resignation.

Results of Investigation

Civilian Statement

Victim: § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

Statement to Medical Personnel:

§ 87(2)(b) reported to FDNY medical personnel that she had been maced by the police and was experiencing a burning sensation in both eyes.

§ 87(2)(b) was interviewed at the CCRB on August 15, 2012 (encl. 6B-G). A detailed summary of her statement is provided below.

On July 4, 2012, at approximately 10:30 p.m., § 87(2)(b) was sitting on the street on Lexington Avenue between Marcy Avenue and Nostrand Avenue in Brooklyn. As it was the Fourth of July, several people were setting off fireworks in the street and marked police vehicles had passed the location three times. The third time they passed, one of the vehicles stopped and three to four uniformed officers exited. § 87(2)(b) was far away from the scene and it was dark out, so she was unable to provide detailed descriptions of the officers. She stated that they were all white males, one in a blue uniform shirt and three in white uniform shirts.

The officers, who were identified through investigation as PO Lukasz Organistka, Lt. Michael Doyle, and DI Michael Lipetri, all of the 79th Precinct, immediately approached § 87(2)(b)'s stepfather, § 87(2)(b) who was standing on the sidewalk close to the exploding fireworks. As the officers approached, they told § 87(2)(b) to move and pointed in the direction in which they wanted him to walk. § 87(2)(b) did not recall their exact statements.

§ 87(2)(b) then walked across the street towards where § 87(2)(b) was seated, which was several car lengths away from § 87(2)(b) location. While § 87(2)(b) was in the street, a white male officer in a blue uniform shirt, identified by the investigation as PO Organistka, grabbed § 87(2)(b) shoulders and torso from behind and threw him against a parked car. The front of § 87(2)(b) body hit the car. The other officers followed five to ten seconds behind PO Organistka. All officers drew their night sticks and began to simultaneously strike § 87(2)(b) hitting him mostly on the right side of his torso, but also once on the right side of his head. § 87(2)(b) did not fight back or attempt to strike any of the officers.

§ 87(2)(b) walked towards the struggle in order to ask if § 87(2)(b) was okay. She did not question the officers, but observed that § 87(2)(b) face appeared swollen. § 87(2)(b) nodded to § 87(2)(b) that he was okay. Meanwhile, a crowd had formed on all sides of the officers. As she walked back to where her daughter and sisters were, the left side of § 87(2)(b)'s face was hit with pepper spray. § 87(2)(b) did not see which officer dispensed the pepper spray and could not definitely identify how far away the officer stood as he dispensed it. § 87(2)(b)'s daughter's uncle, § 87(2)(b) who was standing in front of § 87(2)(b) at the time, was also pepper sprayed in his face. § 87(2)(b) was the only other person in the crowd who § 87(2)(b) could identify as having been pepper sprayed.

Because she could not see out of her left eye and the entire left side of her face was burning, § 87(2)(b) returned to her apartment and flushed out her eyes with water, but the burning sensation persisted for approximately 45 minutes to one hour. § 87(2)(b)'s mother, § 87(2)(b) informed her that she had flagged down an FDNY ambulance, so § 87(2)(b) went back downstairs and was treated by EMS. She did not go to the hospital and had no further interaction with the officers on the scene. § 87(2)(b) did not witness § 87(2)(b) being handcuffed or taken away.

Victim: § 87(2)(b)

On July 9, 2012, § 87(2)(b) provided a brief phone statement (encl. 5A). § 87(2)(b) consumed two alcoholic beverages about an hour before the incident. He confirmed that he was present while fireworks were being set off and that officers responded and instructed everyone to disperse. As he was walking away, he heard an officer say to another officer, "Take one." Subsequently, PO1 (white male, white uniform shirt, 5'7-5'8, 40s, heavysset) grabbed § 87(2)(b) wrist. § 87(2)(b) pulled his wrist away. PO1 "jumped" on top of § 87(2)(b) and handcuffed him. PO2 (possibly Hispanic male, blue uniform shirt, black hair) pepper

sprayed him. § 87(2)(b) then felt officers punch his ribs and felt a nightstick hit his back 10-15 times.

§ 87(2)(b) was brought to the stationhouse and then to § 87(2)(b). He sustained pain to his back, neck, knee, and shoulder as a result of the incident, and was charged with § 87(2)(b). § 87(2)(b) stated that § 87(2)(b) was sprayed with pepper spray, but it was not clear if he witnessed it occur.

§ 87(2)(b) scheduled an in-person interview for July 12, 2012. § 87(2)(b) failed to appear for this interview and did not call in advance to cancel or reschedule. A missed appointment letter, which has not been returned to the CCRB via the United States Postal Service, was mailed to § 87(2)(b) on July 23, 2012. A follow up call was placed to § 87(2)(b) on August 8, 2012 and a voicemail was left requesting that he contact the CCRB. A final please call letter was also sent on August 8, 2012. Three additional calls were placed on August 17, 2012, August 21, 2012, and August 24, 2012, respectively, but there was no option to leave voicemails on any of these occasions. As of the date of this report, § 87(2)(b) has not responded to the CCRB's contacts. A search of the New York City Department of Corrections inmate lookup webpage on December 4, 2013 (encl. 18A-B) showed that § 87(2)(b) was not currently incarcerated.

Attempts to Contact Civilians

§ 87(2)(b) stated that § 87(2)(b) told her that he did not wish to pursue a complaint. However, on September 14, 2012, a call was placed to § 87(2)(b) and a voicemail was left requesting that he contact the CCRB. § 87(2)(b) identified himself on the voicemail greeting. Between September 14, 2012 and March 27, 2013, five calls were placed to § 87(2)(b) and voicemails were left each time. On the fifth call, § 87(2)(b) mother answered and stated that she would tell § 87(2)(b) to contact the CCRB, and that there was no other telephone number at which he could be reached. On September 13, 2012, January 17, 2013, February 20, 2013, letters were mailed to both addresses obtained for § 87(2)(b). None of these letters have been returned to the CCRB via the United States Postal Service. A search of the New York City Department of Corrections inmate lookup webpage on December 4, 2013 (encl. 18C) showed that § 87(2)(b) was not currently incarcerated. As of the date of this report, § 87(2)(b) has not contacted the CCRB to provide a statement.

According to the IAB log, § 87(2)(b) witnessed the incident. From September 14, 2012 to March 27, 2013, five calls were placed to § 87(2)(b) and voicemails requesting that she contact the CCRB were left each time. Additionally, two letters, which were not returned to the CCRB via the United States Postal Service, were mailed to § 87(2)(b) on September 14, 2012 and January 17, 2013, respectively. As of the date of this report, § 87(2)(b) has not contacted the CCRB to provide a statement.

According to § 87(2)(b) § 87(2)(b) brother, § 87(2)(b) witnessed the incident.. On February 21, 2013, a call was placed to § 87(2)(b) and his mother answered the phone, stating that she would tell § 87(2)(b) to contact the CCRB. On March 21, 2013 § 87(2)(b)'s mother stated that § 87(2)(b) had no knowledge of the incident. On September 13, 2012 and February 20, 2013, respectively, letters were mailed to § 87(2)(b) requesting that he contact the CCRB. These letters have not been returned to the CCRB via the United States Postal Service. As of the date of this report, § 87(2)(b) has not contacted the CCRB to provide a statement.

NYPD Statements

Subject Officer: DI MICHAEL LIPETRI

- *At the time of the incident, DI Michael Lipetri was a 40 year-old white male who stood 5'10" tall, weighed 165 lbs., and had brown hair and blue eyes.*
- *On July 4, 2012, DI Lipetri was the commanding officer of the 79th Precinct patrolling the precinct conditions. He worked with Lt. Michael Doyle, the special operations lieutenant, as well as PO Lukasz Organistka. DI Lipetri worked from 12:00 p.m. on July 4, 2012 to 4:00 a.m. on July 5, 2012. He was dressed in uniform and was assigned to a category one unmarked vehicle #1023, which was a black Jeep.*

Memo Book

Due to his rank, DI Lipetri is not required to keep a memo book and, therefore, had no related memo book entries.

CCRB Testimony

DI Lipetri was interviewed at the CCRB on October 9, 2013 (encl. 7A-C). A summary of his statement is provided below.

At approximately 10:30 p.m. on July 4, 2012, DI Lipetri, Lt. Doyle, and PO Organistka were driving west along Lexington Avenue in Brooklyn when they encountered a large crowd of 20 to 30 people setting off illegal fireworks in the middle of the street in the vicinity of the Armstrong Housing Development. Numerous empty firework canisters littered the street and clouds of smoke permeated the air.

DI Lipetri, Lt. Doyle, and PO Organistka all exited the vehicle and verbally ordered the crowd to disperse. § 87(2)(b) quickly became loud and combative, declaring that he lived on the block and would not leave. The officers informed him that he could be arrested for disorderly conduct and repeated their orders to disperse. § 87(2)(b) continued to disobey their commands.

While the officers were speaking to § 87(2)(b) the crowd was in the process of dispersing. However, as the exchange between § 87(2)(b) and the officers escalated, the crowd began to reconvene around them. After § 87(2)(b) disobeyed many additional verbal commands to disperse and ignored multiple warnings that he would be arrested if he failed to comply, DI Lipetri made the decision to arrest him for refusal to disperse.

All three officers approached and physically attempted to place § 87(2)(b) hands behind his back. § 87(2)(b) who was an extremely strong individual, resisted by tensing his shoulders, locking his arms at his sides, and swaying his entire body to avoid apprehension. The struggle that ensued was very violent, reflected by the fact that three officers were unable to subdue one individual. DI Lipetri did not recall whether or not § 87(2)(b) attempted to kick or strike any of the officers.

While the struggle was taking place, the crowd of 20 to 30 people was reforming around them, though DI Lipetri could not recall the distance between the crowd and the struggle. Several individuals in the crowd were shouting at the officers. Given the large number of rowdy people surrounding the chaotic and violent arrest, DI Lipetri was concerned for the officers' safety and thereby requested via radio that additional police units respond to the scene.

In order to overcome § 87(2)(b) formidable resistance and avoid the use of more severe force, DI Lipetri disengaged from the struggle and dispensed pepper spray at § 87(2)(b) from approximately two to three feet away. At the time, § 87(2)(b) was still locked in a physical struggle with PO Organistka and Lt. Doyle against a vehicle that was parked on the street. Immediately after being struck in the face with the pepper spray, § 87(2)(b) complied and was placed in handcuffs. PO Organistka was also hit by the spray, though Lt. Doyle was not. No other individuals were in the immediate vicinity when the pepper spray was discharged.

Eventually, additional officers arrived on the scene and the crowd dispersed. § 87(2)(b) was subsequently brought back to the Precinct stationhouse, though DI Lipetri did not go with him.

DI Lipetri did not recall either himself or any other officer drawing or using a nightstick or asp during the incident. DI Lipetri stated that he did not dispense any pepper spray towards anyone in the crowd or towards the crowd at large. DI Lipetri did not see any other officer dispense pepper spray during the incident, nor did he become aware after the incident that any other officer discharged pepper spray. DI Lipetri did not recognize the photograph of § 87(2)(b) when it was shown to him, nor did he recall ever interacting with her. DI Lipetri stated that if he had seen or been aware that another civilian had been hit by the pepper spray, he would have rendered that civilian medical aid.

Subject Officer: PO LUKASZ ORGANISTKA

- *At the time of the incident, PO Organistka was a 30 year-old white male who stood 6'1" tall, weighed 200 lbs., and had brown hair and blue eyes.*
- *On July 4, 2012, PO Organistka worked the same assignment as DI Lipetri. However, PO Organistka worked from 5:30 p.m. on July 4, 2012 to 2:05 a.m. on July 5, 2012.*

Arrest Report

The narrative of § 87(2)(b) arrest report reads as follows: § 87(2)(a) 160.50

§ 87(2)(b) was charged with § 87(2)(a) 160.50, § 87(2)(b) (encl. 11A).

Memo book

PO Organistka recorded in his memo book (encl. 8A-C) that at 10:42 p.m., a black male named § 87(2)(b) born § 87(2)(b), was arrested for § 87(2)(b), § 87(2)(a) 160.50.

CCRB Testimony

PO Lukasz Organistka was interviewed at the CCRB on May 29, 2013 (encl. 8D-F). A summary of his statement is provided below.

At approximately 10:42 p.m. on July 4, 2012, PO Organistka and DI Lipetri were on patrol when they reached Lexington Avenue between Marcy Avenue and Nostrand Avenue in Brooklyn. PO Organistka did not recall working with any lieutenants. As he and DI Lipetri arrived, a large crowd of approximately 30 to 50 people were on the street and sidewalk amidst exploding fireworks. Because the scene posed a clear safety hazard, PO Organistka and DI Lipetri exited their vehicle and ordered the crowd to disperse. As the crowd slowly dispersed from the street, one individual, § 87(2)(b) remained. § 87(2)(b) shouted that he lived there and was not

going to leave. PO Organistka and DI Lipetri repeated their orders to disperse several times but § 87(2)(b) refused to comply.

The officers decided to arrest § 87(2)(b) for his refusal to disperse and attempted to place his hands behind his back. However, § 87(2)(b) resisted by flailing his arms. PO Organistka did not recall if § 87(2)(b) attempted to push or strike any officer, nor did he recall how he made physical contact with § 87(2)(b). After reviewing § 87(2)(b) arrest report from the date of the incident, PO Organistka acknowledged that pepper spray was used on § 87(2)(b) and explained that it was employed because of his violent physical refusal to be handcuffed. PO Organistka did not recall if any officer struck § 87(2)(b) with an asp or nightstick. He did not recall any other details of his interaction with § 87(2)(b).

While PO Organistka and DI Lipetri were attempting to handcuff § 87(2)(b) a crowd of approximately ten people formed around them. PO Organistka did not recall what the crowd did, how close it was, or if anyone interfered with the arrest. PO Organistka did not issue commands to the crowd or recall if DI Lipetri or any other officer interacted with the crowd.

After § 87(2)(b) was handcuffed, he was transported back to the stationhouse for processing. Though he did not know who discharged the spray, PO Organistka stated that he did not discharge pepper spray or remove the OC spray canister from his holster. He had no knowledge of any other civilians in the crowd, including § 87(2)(b) and § 87(2)(b) being pepper sprayed during the incident. He also had no knowledge of EMS treating any other civilians who had been pepper sprayed. PO Organistka stated that he did not interact with either § 87(2)(b) or § 87(2)(b) and did not recognize § 87(2)(b) when shown a photograph of her.

Subject Officer: LT MICHAEL DOYLE

- *At the time of the incident, Lt. Doyle was a § 87(2)(b)-old white male who stood 5'11" tall, weighed 215 lbs., and had brown hair and green eyes.*
- *On July 4, 2012, Lt. Doyle worked the same assignment as DI Lipetri and PO Organistka. However, Lt. Doyle worked from 2:45 p.m. on July 4, 2012 to 3:30 a.m. on July 5, 2012.*

Memo Book

Lt. Doyle recorded in his memo book (encl. 9A-D) that at 10:35 p.m., he was notified of a disorderly group (10-50) on Lexington Avenue between Marcy Avenue and Nostrand Avenue in which approximately 30 to 40 people were exploding fireworks. At 10:40 p.m. assistance was requested regarding a black male who was resisting and engaging in disorderly conduct. At 10:42, PO Organistka arrested one individual, § 87(2)(b) who resisted and refused four orders to disperse, flailing his arms and refusing to be handcuffed. At 11:00 p.m., Lt. Doyle returned to the stationhouse, but left at 11:05 p.m. when he received a report of a male who was shot.

CCRB Testimony:

Lt. Doyle was interviewed at the CCRB on July 9, 2013 (encl. 9E-G). A summary of his statement is provided below.

On July 4, 2012, at approximately 10:35 p.m., Lt. Doyle, DI Lipetri, and PO Organistka were on routine patrol when they came upon exploding fireworks in the middle of the street on Lexington Avenue between Marcy Avenue and Nostrand Avenue in Brooklyn. Convened around the fireworks was a large group of approximately 30 to 40 people, some of whom were drinking

alcohol. There were open alcohol containers at various points along the street and several individuals appeared visibly intoxicated.

Lt. Doyle, DI Lipetri, and PO Organistka all exited their vehicle and instructed the crowd to disperse, as the exploding fireworks and resulting smoke presented clear safety concerns. All three officers issued commands such as “Clear the street” and “Go home.” Although most of the crowd complied with the officers’ orders, several people shouted back, refusing to disperse. After approximately five minutes, everyone dispersed except for one individual, § 87(2)(b)

PO Organistka specifically ordered § 87(2)(b) to disperse multiple times. § 87(2)(b) replied, “Fuck that, I don’t have to go anywhere,” as well as other unspecified refusals to comply. Due to his belligerence and watery eyes, Lt. Doyle believed that § 87(2)(b) was intoxicated. Lt. Doyle did not recall if § 87(2)(b) speech was slurred or if he smelled of alcohol.

PO Organistka then attempted to place § 87(2)(b) in handcuffs, but § 87(2)(b) began flailing his arms and jolting his body, resulting in a struggle that lasted approximately one to two minutes. During this time, a crowd of approximately 15 to 20 people reconvened around them. When § 87(2)(b) locked his arms in front of his chest in resistance, Lt. Doyle attempted to grab § 87(2)(b) arms. The struggle gradually moved about 20 feet away towards a parked vehicle, against which the officers pinned § 87(2)(b)

While against the vehicle, pepper spray was discharged in § 87(2)(b) direction, directly hitting him and indirectly hitting PO Organistka. Lt. Doyle did not recall which officer actually dispensed it, stating only that it was not him. Although he was not hit, Lt. Doyle could smell and taste the discharge. No pepper spray was discharged towards the crowd, which was about 10 to 15 feet away, and Lt. Doyle never heard any complaints that anyone in the crowd had been hit with pepper spray. Many individuals were shouting at the officers and when the spray was discharged, the crowd grew larger. Despite being hit with the pepper spray, § 87(2)(b) continued to lock his arms in front of his body and it took an additional minute to successfully handcuff him.

During the struggle, additional police were called to the scene. Given the large size of the crowd, the verbally aggressive nature of some individuals within the crowd, as well as the prolonged struggle between PO Organistka and § 87(2)(b) Lt. Doyle stated that he feared for the officers’ safety. Lt. Doyle did not recall anyone from the crowd attempting to intervene in the arrest or approach the scuffle. Lt. Doyle did not recall any specific statements emanating from the crowd, nor did Lt. Doyle recall what specific commands he or the other officers gave to the crowd.

After the arrest was effected, at least a dozen other officers arrived at the scene, and PO Organistka and Lt. Doyle drove with § 87(2)(b) back to the 79th Precinct stationhouse for processing. Lt. Doyle was not aware if any pepper spray was ever directed at the crowd. Lt. Doyle did not recognize § 87(2)(b) when he was shown a photograph of her, and he did not know if she was ever pepper sprayed. Neither Lt. Doyle nor any other officer drew his asp during the incident.

Witness Officer: SGT JORGE TORRES

- *At the time of the incident, Sgt. Torres was a § 87(2)(b)-old Hispanic male who stood 5’6” tall, weighed 195 lbs., and had black hair and brown eyes.*

- *On July 4, 2012, Sgt. Torres was the Zone 3 Sergeant in the 79th Precinct, and worked from 5:15 p.m. on July 4, 2012 to 2:12 a.m. on July 5, 2012. Sgt. Torres was partnered with PO Russo, was dressed in uniform, and was assigned to a marked police van.*

Memo book

Sgt. Torres recorded in his memo book (encl. 10A-C) that at 9:15 p.m., he responded to a request for additional units at 320 Lexington Avenue. At 9:30 p.m., Sgt. Torres resumed patrol.

CCRB Testimony:

Sgt. Torres was interviewed at the CCRB on July 15, 2013 (encl. 10D-E). A summary of his statement is provided below.

At approximately 9:15 p.m. on July 4, 2012, the 79th Precinct commanding officer, DI Lipetri, called for assistance regarding a large disorderly group at Lexington Avenue and Marcy Avenue in Brooklyn. When Sgt. Torres responded to the location, he observed that there was a large crowd standing in front of a NYCHA complex.

Approximately 20 to 25 officers were at the location and the area was crowded with civilians. Several individuals did not want to disperse, so DI Lipetri ordered that those individuals be arrested. DI Lipetri briefly spoke to him, directing him to watch the crowd and instruct civilians to disperse given the exploding fireworks. Sgt. Torres immediately patrolled the block on foot, instructing the crowd to disperse. He did not stand near DI Lipetri, nor did he observe DI Lipetri's interactions with civilians that night. Once the arrests were made, DI Lipetri instructed the officers to leave the block. Sgt. Torres and PO Russo departed and resumed their patrol.

Sgt. Torres did not interact with § 87(2)(b) or § 87(2)(b) nor did he observe their interactions with any officers. After viewing a photograph of § 87(2)(b) Sgt. Torres did not recognize her. Sgt. Torres had been on the scene for approximately one minute, instructing individuals to move, before he smelled pepper spray in the air. He knew that it was on the block, but could not estimate how far away it was from him. He did not know who was sprayed with pepper spray or who discharged the spray.

NYPD Documents

- § 87(2)(b) arrest report indicated that § 87(2)(b) was intoxicated at the time of his arrest and that a chemical agent was used to restrain and/or control him (encl. 11A) .

Medical Records

- According to the FDNY Prehospital Care Report completed on July 4, 2012, § 87(2)(b) experienced mild redness, both of § 87(2)(b)'s eyes were irrigated with sterilized water. The report also stated that § 87(2)(b) suffers from seasonal allergies and asthma, but has no other medical problems.

Notice of Claim

§ 87(2)(b) filed a notice of claim on § 87(2)(b) . He named the NYPD, but no specific officer, as the respondent. He cited non-specific neck and back injuries. No monetary amount was specified (encl. 18F-G).

Status of Criminal Charges

§ 87(2)(b) arrest was sealed (encl. 18C).

Civilians Criminal Histories

- § 87(2)(b), § 87(2)(c)
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b), § 87(2)(c)
[REDACTED]
[REDACTED]

Civilians' CCRB Histories

- § 87(2)(b) has filed the following CCRB complaints (encl. 3A):
 - § 87(2)(b)
[REDACTED]
[REDACTED].
- This is the first CCRB complaint filed involving § 87(2)(b) (encl. 3B).
- This is the first CCRB complaint filed involving § 87(2)(b) (encl. 3C).
- This is the first CCRB complaint filed involving § 87(2)(b) (encl. 3D).

Subject Officers' CCRB Histories

- DI Lipetri has been a member of the service for 19 years and there is one substantiated CCRB allegations against him. In 200201651, an allegation of discourtesy-word was substantiated against DI Lipetri. The Board recommended and the Department imposed Command Discipline-A (encl. 1A-B).
- PO Organistka has been a member of the service for 6 years and there are no substantiated CCRB allegations against him (encl. 1C).
- Lt. Doyle has been a member of the service for 17 years and there are no substantiated CCRB allegations against him (encl. 1D).

Conclusion

Identification of Subject Officers

§ 87(2)(b) arresting officer was identified through his arrest report as PO Organistka. It is undisputed that PO Organistka was partnered with Lt. Doyle and DI Lipetri at the time of the incident. This is consistent with § 87(2)(b)'s statement that there were three or four white male officers present, several of whom were wearing white shirts.

§ 87(2)(b) alleged that he was “jumped” by an officer in a white shirt and then felt “officers” punch him in the ribs. § 87(2)(b) described the officer with whom § 87(2)(b) had initial contact with as wearing a blue uniformed shirt, rather than a white one. § 87(2)(g)

It was alleged that § 87(2)(b) and § 87(2)(b) were all pepper sprayed. Based upon the officers’ testimonies, the investigation determined that DI Lipetri was the only officer who dispensed pepper spray during the incident. § 87(2)(g)

§ 87(2)(b) alleged that he felt being struck with a nightstick but provided no description of the officer(s) involved. § 87(2)(b) stated that all of the officers struck him with their nightsticks, § 87(2)(g)

Investigative Findings and Recommendations

Allegation A—Force: Officers used physical force against § 87(2)(b)

Allegation B—Force: DI Michael Lipetri used pepper spray against § 87(2)(b)

Allegation C—Force: Officers struck § 87(2)(b) with nightsticks.

Although § 87(2)(b) provided a brief phone statement regarding this incident, he failed to appear for his scheduled in-person interview and the investigation was unable to contact him to reschedule. § 87(2)(g)

Allegation D—Force: DI Michael Lipetri used pepper spray against § 87(2)(b)

It is undisputed that both of § 87(2)(b)'s eyes were flushed by EMS due to minor redness. § 87(2)(b) alleged that pepper spray was discharged in her face. DI Lipetri, Lt. Doyle, and PO Organistka denied that DI Lipetri discharged pepper spray towards anyone other than § 87(2)(b) including § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Force : DI Michael Lipetri used pepper spray against § 87(2)(b)

After exhausting contact attempts in accordance with CCRB guidelines, the investigation was unable to contact § 87(2)(b) § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date